

# Order

Michigan Supreme Court  
Lansing, Michigan

October 28, 2014

Robert P. Young, Jr.,  
Chief Justice

147291

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 147291  
COA: 309303  
Berrien CC: 2011-002807-FH

MELODY TYNETTE JONES,  
Defendant-Appellant.

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By order of May 27, 2014, the application for leave to appeal the April 25, 2013 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Cunningham* (Docket No. 147437). On order of the Court, the case having been decided on June 18, 2014, 496 Mich 145 (2014), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion regarding the Berrien Circuit Court's assessment of court costs, and we REMAND this case to the Court of Appeals for reconsideration of that issue. On remand, the Court of Appeals shall hold this case in abeyance pending its decision in *People v Konopka* (Court of Appeals Docket No. 319913). After *Konopka* is decided, the Court of Appeals shall reconsider the defendant's issue in light of *People v Cunningham*, 496 Mich 145 (2014), and *Konopka*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



d1020

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2014

  
Clerk